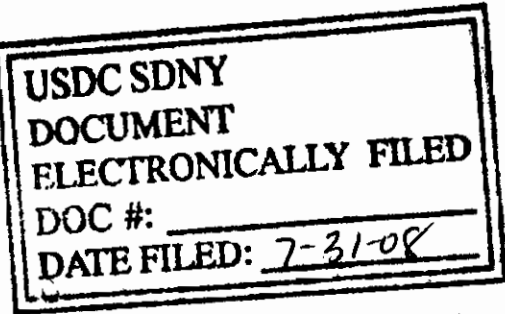




THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007



MICHAEL A. CARDOZO
Corporation Counsel

JONATHAN PINES
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July 30, 2008

By Facsimile Transmission:
212-805-0426

Honorable Laura Taylor Swain
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York


Re: *Ognibene v. Schwarz*
08 CV 1335 (LTS) (THK)

Dear Judge Swain:

I am writing on behalf of the defendants in the above-referenced action to request a leave from the Court to exceed the 25-page limit imposed by Your Honor's Individual Practices. In addition to opposing the plaintiffs' motion for injunctive relief, defendants will be cross-moving for summary judgment. Along with defendants' legal arguments, the papers will include a factual statement that briefly traces the history of the Campaign Finance Act, explain in some detail the operation of the provisions of the Act challenged by the plaintiffs, and discuss the legislative history underlying those provisions to demonstrate the substantiality of the governmental interests thereby advanced. As a consequence, defendants respectfully request leave to file a consolidated memorandum, both in opposition to plaintiffs' motion and in support of defendants' cross-motion for summary judgment, of no more than 50 pages. I have conveyed this request to plaintiffs' counsel, Joe La Rue, who will only agree to a ten-page enlargement.

Thank you for your consideration of this request.

Very truly yours,


Jonathan Pines
Assistant Corporation Counsel

Copies (by fax) to:

Joe La Rue - 812-235-3685
Charles Capetanakis - 212-286-1884
Counsel for Plaintiffs

Application Granted
SO ORDERED
D. J. H. H. H.
USOJ
7/30/08
Part I

NEW YORK CITY LAW DEPARTMENT
FAX TRANSMITTAL MEMO
100 Church Street, Room 2-178
New York, New York 10007
Tel.: (212) 788-0933
Fax: (212) 788-0940

To: Honorable Laura Taylor Swain - (212) 805-0426
Joe La Rue - (812) 235-3685
Charles Capetanakis - (212) 286-1884

From: Jonathan Pines
Assistant Corporation Counsel

Date: July 30, 2008

Pages (incl. 3
this one):

Re: *Ognibene v. Schwarz*
08 CV 1335 (LTS)

Letter seeking leave to file memorandum exceeding 25-page limit.

JAMES BOPP, JR.¹

Senior Associates

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BARRY A. BOSTROM¹

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RANDY ELF²

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July 30, 2008

Honorable Laura Taylor Swain
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York

Re: *Ognibene v. Schwarz*
08 CV 1335 (LTS) (TDK)

Plaintiffs' Response to Defendants'
Request for Enlargement of Time

By Facsimile Transmission: 212-805-0426

Dear Judge Swain:

We represent the Plaintiffs in the above-referenced matter.

Jon Pines, counsel for the Defendants, has requested our consent to a 50 page limit for their response memorandum to plaintiffs' motion for a preliminary injunction. We communicated to counsel that plaintiffs will consent to a 10 page enlargement, but no more. Mr. Pines has now asked this Court to grant them a 25 page enlargement. We respectfully ask the Court to deny this request.

A cross motion for summary judgment is in actuality an opposition to plaintiffs' motion for preliminary injunction. Defendants are entitled to *only one* brief to oppose plaintiffs motion for preliminary injunction—not two. This Court's rules only allow 25 pages for that brief. *See* Individual Practices of Judge Laura Taylor Swain, Rule 2.H.

In a spirit of conciliation, plaintiffs offered to agree to a 10 page enlargement. Plaintiffs believe a brief of 35 pages should be sufficient to respond to plaintiffs' arguments and educate the Court to what defendants believe are the important issues and facts. Allowing more than that

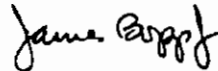
Honorable Laura Taylor Swain
July 30, 2008
Page 2

increases the risk that the Court will be forced to wade through irrelevant issues and arguments and increases the burden on both sets of counsel – not to mention to cost to both parties.

For the foregoing reasons, plaintiffs respectfully request that this Court **deny** defendants' request for a 25 page enlargement. Plaintiffs remain agreeable to a 10 page enlargement.

Sincerely,

BOPP, COLESON & BOSTROM



James Bopp, Jr.
Joe La Rue

c: Jon Pines, Esq. (by email)
Counsel for Defendants

Charles Capetanakis, Esq. (by email)
Local Counsel for Plaintiffs

JAMES HOPP, JR.²

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FAX TRANSMITTAL

TO: Honorable Laura T. Swain, U.S. District Court Judge	FROM: Joe La Rue, Counsel for Plaintiffs in 'Ogibene v. Schwartz
DATE 7/30/08	FAX NUMBER: 812 - 235 - 3685
ADDRESS:	RE:

COMMENTS:

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- ☐ Per your request.
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